

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Southwest Ohio Regional Council
of Carpenters Pension Fund, et al.,

Plaintiffs,

v.

Case No. 1:05cv020

Miami Valley Construction,
Enterprises, Inc., et al.,

Judge Michael H. Watson

Defendants.

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed March 13, 2006 (Doc. 16).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter *de novo* pursuant to 28 U.S.C. § 636, the Court finds the Magistrate Judge's Report and Recommendation to be correct.

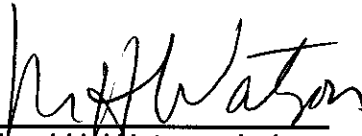
Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's Motion for Default Judgment (Doc. 15) is **GRANTED**. Within thirty (30) days of the filing of this Order, Defendant shall fully cooperate with Plaintiffs' auditor and make available for inspection its books and financial records and other information necessary for the completion of an audit in order to calculate delinquent fringe benefit contributions. Additionally, within sixty (60) days after Plaintiffs have completed

their review of Defendants' books, financial records, and other discovery deemed necessary in this case, they shall submit to the Magistrate Judge proof of their damages, including the plan documents on Plaintiffs' entitlement to interest and liquidated damages, proof of attorney fees and costs, and briefing in support thereof. Upon submission of this information, the Magistrate Judge will then determine whether to conduct a hearing before entering a judgment on the amount of delinquent contributions, interest, liquidated damages, attorney fees and cost pursuant to Fed. R. Civ. P. 55(b)(2).

IT IS SO ORDERED.

bac

April 12, 2006



Michael H. Watson, Judge
United States District Court